

REMARKS

The Office Action of September 17, 2003 has been studied in detail along with the reference applied and cited by the examiner. In response, selected claims have been amended (claims 1, 3, 6, 7, 9, 12, 13, and 17), claims 4, 5, and 18 have been canceled, and new claims 21 and 22 presented for consideration. The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application as amended are respectfully requested.

THE OFFICE ACTION

Claims 1-2, 8-12, 14-15 and 19 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Michiels, et al. (U.S. Patent No. 6,137,236).

Claims 3-6, 13, 17-18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Michiels, et al.

REJECTIONS UNDER 35 U.S.C. §102(b)

The examiner rejected claims 1-2, 8-12, 14-15 (16) and 19 under 35 U.S.C. §102(b) as being anticipated by Michiels, et al. The '236 patent describes a dual component carrier (3) with a resilient body (30) and an open holder (31). The holder (31) includes an opening (31'). The holder (31) contains mercury in the form of an amalgam (32) with the alloy Biln (see Column 3, lines 38-42). As shown in FIGURE 2A, the holder (31) is separate from and must be clamped inside the resilient body (30) for retention of holder (31) inside a tube (14).

"FIGURE 2A shows, in greater detail, that the holder (31) is clamped inside the resilient body (30). The holder (31) is clear of the inner surface (15) of the tube (14). As shown in FIGURE 2B, in the absence of the holder (31), the resilient body (30) can be incorporated in a released state in the tube (14) with play (x). In this figure, the circumference of the holder (31) is represented by dashed lines." (Col. 3, lines 42-49) The resilient body (30) and the holder (31) are inserted into the tube (14) at opposing ends, by means of sticks (S1) and (S2), respectively. As a result of gravity, the resilient body (30) rests on the hollow stick (S1). The use of gravity in this orientation dictates a vertical arrangement. The clamping means is a separate element (30) and must be installed at an opposing end from the holder (31). This results in a cumbersome installation and production.

"The holder (31) and the resilient body (30) have mutually self-locating shapes since the holder (31) has a hemispherical end portion (31a) facing the resilient

body (30). As a result, the pressure exerted on the resilient body (30) during insertion of the holder (31) causes the portions (30c) of the resilient body (30) to spread outward in opposite directions." (Col. 4, lines 8-13) As such, portions (30c) do not partially block a receiver opening, and are not adapted for allowing a passage of a mercury source in a direction towards the inner space of the holder nor blocking the movement of the mercury source through a receiver opening in the direction out of the holder.

After the resilient body (30) is inserted into holder (31), the discharge vessel (1) is evacuated via the tube (14). Next, the discharge vessel (1) is provided with a fill comprising an evaporable component, i.e. mercury. For this purpose, a further metal holder (not shown), which is provided with the mercury to be dosed, is introduced into the tube (14), between its free end (14b) and the holder (31). Here, an additional metal holder is used and is provided with the mercury to be dosed. The metal holder is introduced into the tube (14), between its free end (14b) and the holder (31). The mercury is not provided within the holder (31).

In contrast, amended claim 1 recites a holder comprising an inner space communicating with the discharge space and a receiver opening for receiving a mercury source. The holder includes resilient clamping means for clamping the holder in a generally tubular space segment of the discharge space. The holder further includes a resilient retaining means at least partially blocking the receiver opening. The holder is a single unit providing the inner space for a mercury source, the clamping means for holding the holder in the tubular space, and the retaining means for allowing passage of the mercury source in a direction towards the inner space of the holder and blocking the movement of the mercury source in a direction out of the holder. None of the aforementioned structures, recited in independent claims 1, 9 and 16, are anticipated nor obvious in view of Michiels.

In addition, claim 2 recites the holder being made of a double coil (31), the ends (34, 36) of the coil (31) being turned towards a central axis of the coil (31) and acting as the retaining means. This described structure is not shown in Michiels. The examiner stated that Michiels discloses the holder (3) is made of a coil (20), the ends of the coil being turned towards a central axis of the coil and acting as the retaining means. In contrast, Michiels discloses a discharge vessel (1) comprising an enveloping portion (11) and an indented portion (12). The indented portion (12) accommodates a coil (20) which, together with a core (21) of a soft magnetic material, forms means for

maintaining an electric discharge in the discharge space. (Col 3, lines 25-32) The low pressure discharge lamp further comprises a carrier (3) with a resilient body (30) which is clamped inside the tube (14). Apart from the resilient body (30), the carrier (3) has an open holder (31). (Col. 3, lines 36-39) As such, the carrier is not made of a coil nor does it incorporate a coil.

Applicants submit that the pending independent claims 1, 9, and 16, and all claims dependent therefrom, are not anticipated by Michiels, et al. for at least the reasons set forth above, and are allowable over the record art. Applicants accordingly request reconsideration and allowance thereof.

REJECTIONS UNDER 35 U.S.C. §103(a)

The examiner next rejected claims 3-6, 13, 17-18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Michiels, et al. The examiner stated that Michiels discloses the claimed invention except for a holder having the recited structures of claims 3-6, 13, and 17-18. The examiner stated that it would have been an obvious matter of design choice to use a sheet material formed according to the recited structures in the aforementioned claims. The Examiner stated that the applicant did not disclose that the structures in the aforementioned claims solve any stated problem or is for any particular purpose.

To the contrary, the retaining device is shown in FIGURES 7 and 8 as another embodiment. Amended claim 3, which is dependent upon claim 1, recites a holder made of a sheet material formed in an essentially cylindrical shape. As in claim 1, the holder comprises an inner space communicating with the discharge space and a receiver opening for receiving (and retaining) a mercury source. The single component holder also includes clamping means for clamping the holder in a tubular space.

The arguments raised with respect to the above-identified claims are equally appropriate here and will not be repeated for sake of brevity. Claims 3, 6, 17 and 20 are not made obvious for at least the reasons stated above, and are allowable over the record art. Applicants accordingly request reconsideration thereof.

ALLOWABLE SUBJECT MATTER

Claim 7 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner determined that the prior art does not teach or further suggest that, the holder is formed as a substantially frusto-

conical barrel with a longitudinal slit formed substantially along a generatrix of the barrel and the retaining means are formed as tongues extending radially inwards from an edge of the barrel.

Applicants have amended claim 7 to include all of the limitations of base claim and any intervening claims. Claim 7 is now in independent form.

Applicants gratefully acknowledge the indication of allowable subject matter of the claims in the present application. However, Applicants must respectfully traverse the Examiner's statements for reasons for the indication of allowable subject matter.

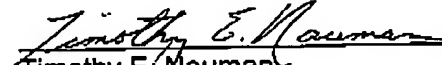
Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each feature is required for patentability.

New claims 21 and 22 present the patentable subject matter of the present application in a slightly different form. It is believed that these claims define over any fair teaching of Michiels – whether considered under Section 102 or Section 103. Moreover, the remaining cited art is no more pertinent than Michiels as already recognized by the Examiner. Accordingly, new claims 21 and 22 also define over the art of record.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,

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